

MINUTES
REGULAR MEETING
CITY COUNCIL

October 4, 2021

Ronnie Thompson, Mayor

Sally W. Sandy, City Manager
Louis E. Vinay, Jr., City Attorney

Wendy Cato)
Christopher Hawkins) Council
Chris Jernigan)
Butch McSwain)

Interpreters
Danette Steelman-Bridges
Ernest Williams, IV

I. Call to Order – The Mayor called the meeting to order in the Council Chamber at City Hall at 6:00 p.m.

II. Public Comment – The Mayor stated the guidelines for public comment and said speakers were to be called in order of sign-up for those who appeared in person; however, due to COVID-19 the Council was still accepting public comments via email, U.S. mail, or hand-delivered letters.

No speakers signed up, appeared, or sent letters/email.

III. Pledge of Allegiance to the Flag – The Pledge was led by Councilman Jernigan.

IV. Invocation – The invocation was given by Jaime Torres, Jaime Torres Ministries and MDPS Chaplain.

V. Introduction of Council – The Mayor introduced Council and staff.

VI. Public Advocacy Issues and Strategies

a. **Morganton Festival Pageant.** The Mayor asked Michelle Gregory, Director of the Miss Morganton Pageant, to introduce the Morganton Festival Scholarship Pageant winners. She stated that each girl spends time on their personal community service platform and embraces the spirit of “giving back” to our community. She then asked each to share their platform.

McKenleigh Lail, Little Miss Morganton, said her platform was to give food and help to others.

Marley Johnson, Junior Miss Morganton, said her platform was about women supporting women.

Lani Reece, Ambassador Queen, said her platform was to remind people to “adopt don’t shop”; helping to find homes for homeless animals.

Ashlyn Robinson, Teen Miss Morganton, said her platform was to be a voice for the voiceless; raising awareness of child abuse.

Victoria Smith, Miss Morganton, stated she was a full-time working CNA and going to school to become an RN. Her service project is tackling hunger working with Burke United Christian Ministries.

•Community Appearance Advisory Commission Awards – Former Councilman and Chairman of the CAAC John Cantrell stated the Community Appearance Advisory Commission (CAAC) was created to initiate, promote, and assist in the implementation of programs of general community beautification in Morganton. The CAAC presents awards to properties that exceed the minimum requirements of the City ordinance.

Chairman Cantrell stated there would be Letters of Commendation sent to root & vine, Rutherford Electric Membership Corporation, Longhorn Steakhouse, Little Guatemala, Grace Ridge, Foothills Conservancy and Blueprint Barbershop.

Chairman Cantrell then presented Merit Awards to:

1. Thornwell Properties, LLC received a Merit Award for their recently renovated property at 202 South Sterling Street. The property houses Thornwell Books, VanNoppen Marketing, and second-floor apartments. The award was accepted by Jean and Allen VanNoppen.

Jean VanNoppen stated their thanks. She said they loved working on the project and were excited to have another place for people to visit while in Morganton.

2. Divinity Donuts and Bakery received a Merit Award for their property at 318 Bouchelle Street. This was an existing church building that has been given new life and will house the new business. The award was accepted by Matt and Elizabeth Herrington.

Matt Herrington thanked the City and committee for the award. He stated they were thankful to find such a beautiful property and wanted to keep as much of the architecture intact as possible. He said they hope to have a grand opening in the 4th quarter and are excited to be a part of community.

•Proclamations

•The Mayor read a proclamation announcing Public Power Week. The proclamation was accepted by Brooks Kirby, Electric Services Director.

Upon motion by Councilwoman Cato, seconded by Councilman McSwain, and carried unanimously, the Council approved the proclamation.

Councilman McSwain stated his thanks for the continuing job well done by the Electric Department. Director Kirby expressed gratitude on behalf of employees for the support of Council.

•The Mayor read a proclamation announcing Fire Prevention Week. The proclamation was accepted by Fire Captain Israel Gibson.

Upon motion by Councilman Hawkins, seconded by Councilwoman Cato, and carried unanimously, the Council approved the proclamation

Councilman Hawkins presented the proclamation to Captain Gibson stating his thanks for the continuing education about fire safety.

Captain Gibson stated there would be many fire safety events throughout the month of October. He reiterated that people should know the sounds of their devices and that there should be smoke alarms in every bedroom. He also shared that for the Deaf community there are strobe lights and bed shakers to help alert people. Captain Gibson said that MDPS would provide smoke detectors to those who need them.

•The Mayor read a proclamation announcing support of Burke County Non-Profit Day aka Giving Day/1BurkeGives. November 30, 2021 is a day set-aside to appreciate and support local non-profit organizations. The proclamation was accepted by Alan Wood, VP of Fund Development, Burke County United Way.

Councilman Jernigan presented the proclamation stating that as a director of a non-profit in town he knows the importance of 1-Burke Gives. He also thanked all non-profits for the work they do in supporting our community.

Wood stated they began this initiative during the pandemic last year. He said that 1BurkeGives is an online platform that accepts gifts over a 24 hour period. Burke County United Way funds the cost of hosting the platform. Last year, they raised \$50,756 from 308 donors that benefitted 31 local non-profits. They are striving for more participants this year and a longer lead-time to get the word out about the initiative.

•The Mayor read a proclamation announcing October 22, 2021 as Daniel Morgan Day. On October 22, 1784, the North Carolina General Assembly enacted legislation establishing a town as the county seat of Burke County, and directed that this town be

named after General Daniel Morgan. The proclamation was accepted by Dr. Linda Lindsey.

Councilwoman Cato presented the proclamation and thanked Lindsey for her work in keeping the history of our community alive.

Lindsey stated she hopes that this will be the beginning of annual remembrances of Morganton's birthday and that it will continue through the years with future celebrations.

The Mayor observed that there is a new piece of artwork in the lobby of City Hall that has been donated and asked Dr. Lindsey to say some words about it. Lindsey stated that the new artwork joins a portrait of Daniel Morgan that has been hanging in City Hall for years. She stated the new canvas is a copy of a painting of John Trumbull that hangs in the United States Capitol Rotunda. The painting is the Surrender at Saratoga which depicts the British surrendering. The most prominent figure in the painting is Daniel Morgan who was considered a hero of that battle which turned the tide of the Revolution in the North. Three years later he turned the tide in the South at Cowpens. Lindsey then presented a packet of commemorative quarters from the National Park Service representing the Battle of Saratoga. These will be on display in City Hall.

b. The Mayor announced the following upcoming events at CoMMA: Hobo Cane on October 9; One Night in Memphis on October 22, and a free event on October 26, the Air Force Rhythm in Blue Jazz Band.

The Mayor announced Downtown events including the continuing Farmers' Markets on Saturdays at 300 Beach Street and the Wednesday mini-market at 111 North Green Street.

He said other October events include Ghost Walks on Friday and Saturday, October 22 and 23, October 29 and 30, the Halloween Huntacular on Saturday, October 30, along with free Halloween Hayrides on Saturday, October 30.

The Mayor shared that the Spooky Meadows Halloween Hayrides will take place at Catawba Meadows Park on Friday and Saturday, October 22 and 23, with hayrides provided by Valley Hills Antique Power Club.

VII. North Carolina Municipal Power Agency Number 1 Update – There were no updates.

VIII. Consent Agenda – The City Manager presented the Consent Agenda and asked if any items should be removed; no request was made.

Upon motion by Councilman McSwain, seconded by Councilman Hawkins, and unanimously carried, the Consent Agenda was approved and each individual item adopted as stated, those being as follows:

A. Approved minutes as submitted for a Regular Meeting held on September 13, 2021.

B. Approved a budget amendment (Ord. #21-50) in the amount \$11,500, to recognize receipt of payment for reimbursement of services of commercial water tap improvements at Hogan Street.

C. Approved a budget amendment (Ord. #21-51) in the amount \$11,500, to recognize receipt of payment for reimbursement of services of commercial water tap improvements at West Union Street.

IX. Items Removed from Consent Agenda – There were no items removed.

X. New Business

1. Consideration of Award of Contract for the Purchase of a Cable Modem Termination System (CMTS) for CoMPAS

The City Manager stated that internet bandwidth usage has increased drastically and continues to increase at a rapid pace and it is now necessary to replace our current CMTS.

The CMTS is a device located in the cable head-end that allows cable television operators to offer high-speed Internet access to devices. The CMTS sends and receives digital cable modem signals on a cable network, receiving signals sent upstream from a user's cable modem, converting the signals into IP packets and routing the signals to an Internet Service Provider for connection to the Internet. The CMTS also sends signals downstream to the user's cable modem. Cable modems cannot communicate directly with each other; they must communicate by channeling their signals through the CMTS.

The highest Internet speed CoMPAS currently offers to residential customers is 250 Mbps downstream. The new CMTS will allow CoMPAS to offer speeds of 1 Gbps and higher downstream through a cable modem.

(MHz – Mega Hertz) is a value-add-partner and systems integrator of: digital video, Ethernet and DOCSIS, acquisition, processing and network delivery equipment that broadband and IP service providers have relied-on for unique Multi-Vendor System Solutions (MVSS) that bring advanced broadband/IP video and internet service delivery to their networks and subscribers, while helping them facilitate and build their brand; improve QoS; retain and grow subscribers; increase revenue and decrease operating costs since 1975.

Once the contract is approved, equipment will be ordered and the current lead time is 12-16 weeks. Once equipment has arrived work is expected to commence, with a completion date by June 2022. Although the initial quote from MegaHertz was lower than our new quote, changes have since been made to actual pricing, configuration and availability.

Greg Branch, Director of CoMPAS, stated there are several areas where the bandwidth is hitting full capacity. He stated the new CMTS will allow the City to get more out of the current plant without going to full fiber.

The City Manager stated the City has a fiber back-bone but we have a hybrid system with coaxial cable to the home. This will hopefully allow us to eventually get fiber to homes.

The Mayor asked if the download speeds would be faster. Branch stated that it would.

The Mayor asked if both the Utility and Finance committees have approved this project. The City Manager confirmed they had approved this item.

Upon motion by Councilman Jernigan, seconded by Councilwoman Cato, and carried unanimously, the Council approved a contract for the purchase of a new CMTS in the amount not to exceed \$497,720.06.

2. Consideration of Entering into a Memorandum of Agreement (MOA) Between the City of Morganton, Foothills Land Conservancy of North Carolina, Inc. (Foothills) and Overmountain Cycles, LLC to Develop a Mountain Bike/Hiking Trail at Catawba Meadows Park

Phillip Lookadoo, Director of Design & Development, said the master plan for Catawba Meadows Park calls for the development of an approximately four-mile-long mountain bike/hiking trail. It has, as such, long been the City's vision to develop such a park amenity to provide yet another recreation outlet for citizens and visitors to the City.

Foothills Conservancy has partnered with the City to develop such a trail. Foothills applied for and was awarded a NC Trails Grant in the amount of \$100,000 to develop such a trail. Foothills and the City have also partnered with Overmountain Cycles to coordinate design of the trail and maintenance thereof. A necessary action, per the grant agreement between the State of North Carolina and Foothills is for the City to sign the grant agreement giving permission to develop the trail on City owned property. This MOA outlines the conditions under which the City gives its permission and how the City will participate in the development, allowed use and maintenance of the trail.

Councilwoman Cato asked if the grantee would be Foothills Conservancy and asked how Overmountain Cycles (OMC) would be participating.

Lookadoo stated that Foothills is the grantee, and that OMC would be working with the construction and design companies. Once constructed OMC would coordinate trail maintenance.

Councilwoman Cato asked if this was going to be a competitive trail where people from out of town come to ride. Lookadoo stated that there are school programs that may use it for competition.

The Mayor asked if this would conflict in any way with the walking public and would it cross pedestrian pathways. Lookadoo stated there could potentially be places where the trail crosses the existing greenway but he assured the Mayor those would be well-signed.

The Mayor asked if there would be any bridges constructed. Lookadoo stated there might be one bridge that would need to be built.

Councilwoman Cato asked if it would be a challenging course and Lookadoo stated he thought it would be.

The City Attorney stated there had been minor changes to the agreement but the one of note relates to the terms of the agreement which is fixed for 10-years.

Councilman Jernigan asked if runners and hikers could also use this trail. Lookadoo stated if it met their standards they should be able to, but didn't know what those standards are.

Councilman McSwain stated he was incredibly excited about this project.

The Mayor asked Overmountain Cycles owner Michael Lowther to explain some of the plans. Lowther stated he is very excited about this project.

Lowther stated this has been a dream of his for a while. He is excited to see the races that may be put on. He stated the Burke Bearcats are the County-wide middle school/high school mountain bike team. He shared this would be the home-base for the Bearcats; the place where they would come to practice and race. Lowther would like to see racers come from around the state. He said that people want to have places to go and explore and this would be a great eco-tourism attraction.

The City Manager stated that partnerships like this are one thing the City does well: Foothills writing the grant and bringing funding to the table; Overmountain working with development/planning and maintenance, and the City; it is just another example of what we do best.

Upon motion by Councilman McSwain, seconded by Councilman Hawkins, and carried unanimously, the Council approved a Memorandum of Agreement between the City of Morganton, Foothills Land Conservancy of North Carolina, Inc. and Overmountain Cycles for the purposes of developing a mountain bike/hiking trail at Catawba Meadows Park, and to authorize the Mayor or the City Manager to execute and issue the agreement on behalf of the City together with the additional authority to make such

alterations, technical amendments and changes as may be necessary to implement the agreement.

3. Consideration of Award of Entitlement Funds to Non-Profits for FY 2022

The City Manager stated that at the September 13, 2021 meeting Council approved awarding of Entitlement Funds to non-profits for fiscal year 2022. The FY 2021 Action Plan stated that CDBG funds in the amount of \$23,600 would be used to provide assistance to non-profits that meet the goals and requirements of the CDBG program.

Council approved funds to The Meeting Place in the amount of \$6,938.75; to Burke United Christian Ministries in the amount of \$3,000.00; to The House of Refuge in the amount of \$5,000.00; and to The Outreach Center in the amount of \$4,761.25 (with provisions).

Options has requested funds to replace blinds throughout the shelter and to replace the microwave. The CDBG Committee recommends awarding \$3,900 to the shelter. The recommendation for this award was inadvertently omitted from the information provided at the September meeting. The funds are available.

Upon motion by Councilwoman Cato, seconded by Councilman Jernigan, and carried unanimously, the Council awarded FY 2022 Entitlement Funds to non-profits to include Options request in the amount of \$3,900.

4. Consideration of Adoption of an Ordinance Regulating "Open Burning"

The City Attorney stated that recently the Public Safety Department has dealt with multiple situations involving open burning on private property, which have created issues up to and including threats to the public health and safety. The City's existing ordinances do not seem to adequately address this issue, and therefore City staff recommends adoption of a new ordinance. The City Attorney, Chief Lowdermilk and Captain Gibson have all worked together to develop a proposal, relying substantially on ordinances adopted in other nearby cities similar to Morganton.

The proposed ordinance would define the types of open burning; require permits from Public Safety in some circumstances; regulate burning for the purpose of land clearing; declare certain exceptions; and establish fines for violations.

Upon motion by Councilman Hawkins, seconded by Councilwoman Cato, and carried unanimously, the Council adopted Ordinance #21-52 creating a new Section 3-2031 in the Code of Ordinances, to regulate open burning.

5. Consideration of Award of Contract for Cleaning Services

The City Manager stated that earlier this year, Council approved a contract for custodial services in several City facilities. That contractor was unable to satisfactorily perform the required services. The City therefore cancelled that contract, and re-bid for custodial services. Three bids were received, as shown on the attached bid tab.

Please note that this is a contract for personal services, and thus not subject to the statutory formal bid requirements of construction or purchase contracts. In particular, the City may reject any bids when in the best interests of the City.

Regrettably, there are numerous problems with the apparent low bid, including: 1) the local references identified state this bidder uses sub-contractors to do the actual work, which is not permitted under the City's RFP for this contract; 2) this bidder never did any walk-through of any of the 5 buildings involved; and 3) this company had also bid on (unsuccessfully) on our first RFP, and for no apparent reason reduced its bid the second time by 50%, resulting in a number far out-of-line with the other bidders. Therefore, City staff strongly recommends rejecting this apparent low bid, in the best interests of the City.

City staff has communicated with the apparent second-lowest bidder, which is prepared to enter a contract on the terms of its submitted bid. It is therefore recommended that Council approve a contract with Kathy's Clean Sweep, LLC, in the amount of \$9,350 per month, to provide cleaning services in City Hall, Public Safety headquarters, the Community House, the Warehouse, and the Garage. The contract will be for a period of one year, and may be terminated by either party upon 60 days' written notice. It is anticipated that services will begin at a date no later than November 1, 2021.

Upon motion by Councilman Jernigan, seconded by Councilwoman Cato, and carried unanimously, the Council approved a contract with Kathy's Clean Sweep, LLC, for custodial and cleaning services in certain City buildings and to allow the Mayor/Manager and appropriate City staff to make technical amendments necessary to execute the contract.

Upon motion by Councilman McSwain, seconded by Councilman Hawkins, and carried unanimously, the Council approved a budget amendment (Ord. #21-49) in the amount of \$36,150 to appropriate fund balance in order to award the cleaning services contract to Kathy's Clean Sweep.

6. 30-Day Notice Boards and Commissions

a. Historic Preservation Commission - Due to upcoming expiration of terms, vacancies will exist on this Commission. The terms of HPC Board Members Darren Lathan, Dottie Ervin, and Joan Malloch are expiring in November. These members have been excellent participants on the Historic Preservation Commission.

The Mayor announced if a citizen has an interest in volunteering for one of these vacancies, applications for *Request for Appointment to City of Morganton Boards and Commissions* are available during business hours from the Clerk's office or on the City website.

XI. Other Items from City Manager and City Council Not on Agenda – Councilman Jernigan expressed his thanks for people coming to downtown to frequent the food trucks and taking advantage of the streatery and parklets.

XII. Reports – Reports were distributed to Council.

XIII. Adjournment –The Mayor adjourned the meeting at 7:04 p.m.

Preparation of Minutes. These minutes were prepared by Mikela D. Russell, Assistant City Clerk. Copies of all resolutions, ordinances and orders referenced in these minutes are intended to be incorporated into these minutes as if fully set forth herein. Prior to including them into the official minute book, the minutes have been read and approved by the City Manager and the City Attorney, then distributed to each member of the City Council for further review and final approval, at a subsequent Council Meeting.

Mayor

Assistant City Clerk